

Remarks

Claims 26 and 31 were amended above. The application presently consists of claims 26 and 46. The above amendments and remarks which follow are in response to the Office Action mailed May 29, 2001 in which the claims were subject to a restriction requirement, claim 31 was rejected for being indefinite, claims 26-28, 35 and 36 were rejected under 35 U.S.C. §102(b), and claims 26-36 were rejected under 35 U.S.C. §103(a). The restriction requirement and the rejections are all traversed and reconsideration all of the claims as amended is respectfully requested.

Amendments to the Claims

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page(s) is/are captioned "Version with Markings to Show Changes Made".

No new matter was added herein. Phrases already present or inherent within the claims were repeated for clarity.

These amendments and remarks are being introduced in this Amendment After Final to decrease the issues for appeal, should an appeal of this application become necessary.

Restriction Requirement

The Office Action states:

"Newly submitted claims 37-46 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Group I, claims 26-36 directed to an apparatus for packaging single containers, classified in class 53, subclass 249; and Group II, claims 37-46, directed to an apparatus for packaging plurality of containers, classified in class 53, subclass 282. These inventions are considered to be independent inventions. Two different combinations, not disclosed as capable of use together, having different modes of operation, different functions or different effects are independent. ..."

The above-description of the two groups of claims is incorrect. The claims of Group I and the claims of Group II are both directed to an apparatus for packaging a plurality of containers, classified in class 53, subclass 282. Claim 26 was amended herein to repeat the phrase in the body of the claim that was present in the preamble

that indicates that a set of packages is formed by using the apparatus that seals a contiguous lidstock to a plurality of containers. The Group I claims and Group II claims differ by claiming multiple contiguous platens that operate with a manifold (claim 26) or a manifold comprising multiple dies (claim 36), and a plurality of manifolds that operates with a single platen (claim 37), but both groups of claims produce a set of packages comprising individual containers attached by a contiguous lidstock. Therefore, it is respectfully requested that the Restriction Requirement be withdrawn and all the claims be considered together in a single application.

Rejection based on 35 U.S.C. §112 of Claim 31

Claim 31 was rejected under 35 U.S.C. §112 for not providing antecedent basis for print. Claim 31 was amended above to provide antecedent basis for the print on the lidstock; therefore, it is respectfully requested that the 35 U.S.C. §112 rejection of claim 31 be withdrawn.

35 U.S.C. §102(b) Rejection of Claims 26-28, 35 and 36

The claims were rejected under 35 U.S.C. §102 over Giovannone, US 5,379,572 (hereinafter '572). '572 was cited as showing a "packaging machine which comprises a plurality of carriers (read on the portion of the conveyor holding/pushing each blister), a plurality of moveable lifts 22, 32, 42, a plurality of platens 26,36,46 on the lifts, a plurality of mandrels 20, 30, 40, above the mandrels 20, 30, 40 above the platens and a lidstock maneuvering system 16 for placing lidstock between the blisters on the carriers and the mandrels which seal the lidstock to the blisters. The specific product being packages is given little patentable significance in apparatus claims since it does not affect the structure of the device."

The 35 U.S.C. §102(b) rejection is traversed, and reconsideration is respectfully requested.

'572 is not a proper reference for a 35 U.S.C. §102 rejection, because it does not teach the formation of a set of packages, and other elements of Applicants' claimed invention. Applicants' apparatus of all the claims does not form individual packages; it forms a set of packages comprising individual containers that are held together by a contiguous lidstock. It cannot be said that this element of the claims is of little significance, because it was the basis for the classification and Restriction Requirement, responded to above. Further, '572 does not disclose discrete carriers for

the containers; a conveyor is not a discrete carrier. On page 4 of the Office Action, it mentions "conveyor cavities". That term is not present in '572. It is believed that the "conveyor cavities" is used to improperly describe the blisters 12 that are attached together (col. 4, lines 20-25) that eventually become part of the final package (located on right of figure). '572 shows no conveyor means in the figure, and does not describe any element that could be Applicants' discrete carriers. '572 does not disclose a plurality of platens located next to one another. As shown, the platens in '572 are spaced apart. '572 does not teach a lidstock maneuvering system that places a contiguous lidstock over a plurality of containers located adjacent to one another. '572 places a single lidstock over a single blister, and '572 does not disclose sealing a contiguous lidstock to a plurality of containers to form a set of packages. Again, '572 discloses the formation of a single blister package. Since '572 fails to disclose all the elements of Applicants invention, the 35 U.S.C. §102 rejection is improper and should be withdrawn, such withdrawal is respectfully requested.

35 U.S.C. §103(b) Rejection of Claims 26-36

The claims were rejected under 35 U.S.C. §103 as being unpatentable over '572 and Edwards, US Patent 5,565,059 (hereinafter '059), because '059 teaches inspection of the alignment of the printed matter on the lidstock within the machine to the blisters. Applicants traverse this rejection, and respectfully request reconsideration.

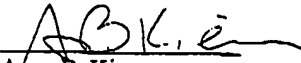
Although '059 states that a lidstock is sealed to multiple containers to form a set of packages, and teaches inspection of the printed matter, neither '059 nor '572, alone or in combination, teaches or suggests Applicants' apparatus comprising multiple platens (or multiple mandrels), a plurality of individual carriers carrying a plurality of containers, one container in each carrier, that provides improved sealing of a contiguous lidstock to multiple containers to form a set of packages.

Applicants believe they have invented a patentable improvement to an apparatus that forms a set of packages. Applicants discovered that a plurality of containers can be sealed to a contiguous lidstock to form a set of packages in an apparatus which provides for multiple platens or multiple mandrels or both. Applicants apparatus provides the pressure needed to each container and lidstock despite differences in thicknesses of the flanges of the containers or lidstock to provide improved sealing results. This improvement is not taught or suggested by any

of the references cited by the Office Action. Therefore, Applicants request that the 35 U.S.C. §103 rejection be withdrawn.

For all the reasons above, it is believed that claims 26-46 are in condition for allowance. Allowance of the claims is therefore respectfully requested. If a telephone interview with the Applicants' attorney would move this application to allowance, she can be reached at the telephone number below.

Respectfully submitted,


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Claims 26 was amended as shown:

--26. (Amended once) An apparatus for packaging contact lenses in a plurality of contact lens containers, each container having a recess, a sealing flange about said recess, and a contact lens within said recess, a plurality of said containers being sealed in said apparatus to a contiguous lidstock to form a set of packages, said apparatus comprising :

a plurality of lifts;

a plurality of platens located adjacent to one another, each of said platens being individually supported by one of said lifts;

a plurality of discrete carriers, said carriers being movable within said apparatus onto said plurality of said platens, such that each of said carriers is mounted on a respective one of said platens[], a single one of said containers being mounted on a single one of said carriers to provide a plurality of said containers located adjacent to one another;

a lidstock maneuvering system for placing a contiguous lidstock over [a] said plurality of said containers located adjacent to one another; and

a mandrel disposed above said plurality of platens;

wherein pressure is applied to said contiguous lidstock and said flanges of said containers by said mandrel and said plurality of platens to adhere said contiguous lidstock to said plurality of said containers to form a set of packages.

31. (Amended once) The apparatus of claim 26, wherein said lidstock comprises print, and further wherein said lidstock maneuvering system further comprises:

a vision alignment inspection system having means for checking the print quality on said lidstock and for simultaneously checking for registration of said lidstock within said apparatus based on the location of said print.